In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 20136 of 2005

Date of Decision: 20.11.2006

Amrit Kaur

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Akshay Bhan, Advocate
for the petitioner.

Mr. Ashok Aggarwal, Addl. A.G., Punjab
for respondents No.1 to 3.

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J.S. Khehar, J. (Oral).

The issue arising for consideration in the instant writ petition is, for promotion of the petitioner as Principal on the basis of the fact, that she belongs to the Scheduled Castes category, and is within the zone of consideration, for the aforesaid promotion. Through the impugned order dated 30.9.2005, which is, in fact, a response at the hands of the official respondents to the legal notice issued by the petitioner, the claim of the petitioner has been declined. The solitary basis for declining the claim of the petitioner for promotion to the post of Principal is, that the petitioner has not been interested in claiming promotion to the post of Principal. The aforesaid basis depicted in the communication dated 30.9.2005 (Annexure P-4) is, in our view, wholly misconceived, specially in the background of the fact, that the petitioner had to issue the legal notice under Section 80 of the Code of Civil Procedure, claiming promotion as Principal. In view of

the above, the order dated 30.9.2005 (Annexure P-4) is liable to be set aside. The same is, accordingly, set aside.

During the course of hearing, learned counsel for the respondents vehemently contended, that the respondents are still verifying the status of the petitioner as a Scheduled Castes candidate. In this behalf, it is pointed out, that the petitioner claimed promotion on the basis of reservations for the first time now, and that, there is no authentic material with the authorities at the moment, on the basis of which, the stance adopted by the petitioner, that she belongs to the Scheduled Castes category, can be accepted.

In view of the above, we consider it just and appropriate to dispose of the instant writ petition by granting liberty to the official respondents to verify the status of the petitioner as a Scheduled Castes candidate. If the petitioner is found to be a Scheduled Castes candidate, her claim for promotion to the post of Principal shall be considered in accordance with law, in response to her request initiated through the legal notice dated 13.9.2005. Needless to mention, that the petitioner shall cooperate with the respondents in their determination on the issue in hand. An appropriate order in this behalf shall be passed by the respondents within one month from today.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

20.11.2006
sk.